



Commonwealth  
of Massachusetts

## *OCPF Online*

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*Office of Campaign and Political Finance  
One Ashburton Place, Room 411  
Boston, MA 02108*

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### Advisory Opinion

December 7, 2001  
AO-01- 31

Charles Stefanini, Director  
Massachusetts Nurses Association  
340 Turnpike Street  
Canton, MA 02021

Re: Political Activity by Bargaining Units

Dear Mr. Stefanini:

This letter is in response to your October 24, 2001 request for guidance as to whether the individual bargaining units that comprise the Massachusetts Nurses Association (“MNA”) may, independent of MNA, engage in political activity.

The MNA represents over eighty bargaining units of registered nurses and health care professionals at numerous health care facilities throughout the state. The National Labor Relations Board and the state Labor Relations Commission recognize MNA as the units’ certified bargaining agent. All of the bargaining units pay dues to the MNA. In addition, many units collect their own dues and have amassed treasuries.

#### QUESTION

May the separate bargaining units that comprise MNA make political contributions and expenditures from their treasuries subject to IB-88-01?

#### DISCUSSION

Yes. To the extent that the bargaining units are independent of MNA, both financially and in their decision-making capacities, they may engage in political activity subject to IB-88-01.

OCPF’s Interpretive Bulletin IB-88-01 relates to the political activity of groups, unions, associations and other organizations that are not registered as political committees. It states that such

organizations making expenditures to support or oppose candidates, PACs or party committees, but not soliciting or receiving funds for such purposes, are not treated as political committees unless the expenditures are “more than incidental.” Expenditures become more than incidental if, in a calendar year, their aggregate exceeds either \$15,000 or 10% of such organization’s gross revenues for the previous calendar year, whichever is less. Once this threshold is met, the organization becomes subject to the same contribution limitations and certain reporting requirements that apply to political action committees.

The fact that the members of the bargaining units you described are also MNA members would not preclude the bargaining units from engaging in political activity independent of the MNA if the bargaining units are otherwise autonomous entities with segregated accounts. Based on your letter, we are aware of no facts suggesting that MNA would require their bargaining units to contribute to any particular candidates or committees. These groups may therefore make political contributions and expenditures from their own treasuries in accordance with IB-88-01. See AO-01-22 (advising that the political activity that union members engaged in on their own time and initiative would not be attributed to the union and would not impact the union’s political activity).

Thank you for your interest in the campaign finance law. Please do not hesitate to contact us if you have any questions regarding this or any other campaign finance matters.

Sincerely,

A handwritten signature in dark ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

MJS:bp